## Case 1:04-cv-11934-GAO Document 36-15 Filed 01/17/2006 Page 1 of 8

#### UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS EASTERN DIVISION

CIVIL ACTION No. 04-11934-GAO

NOAH GREENBERG, Plaintiff

v.

TOWN OF FALMOUTH and GANNETT FLEMING, INC., Defendants

#### AFFIDAVIT OF THOMAS A. KAHRL

- I, Thomas A. Kahrl, hereby state and depose as follows:
- 1. I am an attorney licence to practice law in the Commonwealth of Massachusetts. I was licensed to practice in Massachusetts in 1968. Since 1976 I have been registered to practice before the United States Patent and Trademark Office (Registration No. 28,225). I have practiced intellectual property law for over three decades. I maintain an office in Falmouth, Massachusetts.
- On or about January 17, 2003, I submitted to the United States Copyright Office an application for registration of copyright (Form VA) in four architectural drawings prepared by Mr. Noah Greenberg.
- I conferred with Mr. Greenberg while completing the application to confirm that the information reflected on the application was accurate.
- 4. The application included reproductions of four different drawings that all included the title Department of Public Works, 416 Gifford Street, Falmouth, Massachusetts, and were separately identified as follows:
  - 1 Site Plan
  - 2 Floor Plan Part A
  - 3 Floor Plan Part B
  - 4 Elevations (color)

I have maintained copies of the drawings attached to the application.

- 4. In response to the application, the Copyright Office advised that copyright in architectural drawings and copyright in architectural works may not be claimed in one application. The office suggested that two new applications be submitted claiming separate copyright protections. The office required the deposit of only one set of drawings for both applications, so no additional drawings were required to be deposited.
  - I submitted two supplemental applications in April 2003.

- In response to the applications, I received two original certificates of registration, true copies of which are attached hereto.
- 7. Because an application and proper deposit of the architectural drawing was received by the Copyright Office on February 3, 2003, the copyright registration in the drawings numbered 1 -3 was effective February 3, 2003. A true copy of the receipt received from the Copyright Office is attached hereto.
- Because an application for registration of the architectural work was not received and paid for until April 11, 2003, the copyright in the architectural work was effect that date.
- 9. I have compared the architectural drawings marked as exhibits in a deposition of Mr. Greenberg conducted on October 17, 2002, and a deposition of the Town of Falmouth conducted on November 30, 2005, with the drawings I submitted to the United States Copyright Office and they appear to be the same, with the exception that drawing 4 of the exhibit is a black and white copy of the color rendition deposited with the copyright office.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 17<sup>TH</sup> DAY OF JANUARY 2006.

Thomas A. Kahrl

# CERTIFICATE OF REGISTRATION Document 36-15

Filed 01/17/2006

Page 3 of 8



OFFICIAL SEAL

This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

REGISTER OF COPYRIGHTS United States of America

FORM VA For a Work of the Visual Arts HAITED STATES COPYRIGHT OFFICE



EFFECTIVE DATE OF REGISTRATION

02 Month

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If published in a periodical or serial give:	Volume ▼ Number ▼	Issue Date ▼ On Pages ▼
NAME OF AUTHOR ♥		DATES OF BIRTH AND DEATH Year Born ▼ Year Died ▼
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Under the law. the "author" of a "work made for hire" is

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"made for hire" check "Yes" in the space provided, give the emplayer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank

brief statement of how the claimant(s) obtained ownership of the copyright. Y

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MORE ON BACK ▶ • Complete all applicable spaces (numbers 5-9) on the reverse side of this page.

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Page 1 of pages

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West Falmouth MA 02574

ibrary of Congress

# CERTIFICATE OF REGISTRATION Document 36-15

Filed 01/17/2006

Page 5 of 8



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

FORM For a Work of the Visual Arts UNITED STATES COPYRIGHT OFFICE



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OFFICIAL SEAL

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire check "Yes" in the space provided, give the employer (or other person for whom the work was prepared)

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REGISTER OF COPYRIGHTS

United States of America

Title of This Work ♥

NATURE OF THIS WORK ♥ See instructions

DEPARTMENT OF PUBLIC WORKS

Architectural Work

Previous or Alternative Titles ▼

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Year in Which Creation of This Work Was

Completed

This information

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published.

Month

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. 

T

Noah Greenberg, AIA, Noah Greemberg Associates 22 BeeBe Acres Road, Falmouth, MA 02540

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

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### Filed 01/17/2006 VPage 7 of 8

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UNITED STATES COPYRIGHT OFFICE





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DEPARTMENT OF PUBLIC WORKS

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PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ♥

If published in a periodical or serial give: Volume V

Number V

Issue Date V

THE WORK

Anonymous?

On Pages ♥

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### NAME OF AUTHOR ▼

Noah Greenberg

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Noah Greenberg, AIA

Noah Greenberg Associates

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Case 1:04-cv-11934-GAO Document 36-15 EXAMPLEG 01/17/2006 Page 8 of 8 FORM VA . .

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